

REMARKS

Claims 1, 2, 4, 5, and 11 are currently pending in the application. As shown above, Claims 1, 2, 5, and 11 have been amended and Claims 3 and 6-10 have been cancelled without prejudice.

In the Office Action, Claims 6-8 and 10 were rejected under 35 U.S.C. §102(e) as being anticipated by *Mohebbi* (U.S. 6,603,971 B1), and Claims 1-5, 9, and 11 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Mohebbi* in view of *Hulbert* (5,574,972).

The present invention is directed to a method for controlling uplink transmission power in a handover region by a UE (User Equipment) in communication with a Node B using an FCS (Fast Cell Selection) scheme. More specifically, the present invention provides various methods for compensating for an initial power offset at a handoff of the UE between two base stations.

With regard to Claims 6-8 and 10, which were rejected under 35 U.S.C. §102(e) as being anticipated by *Mohebbi*, as indicated above, these claims have been cancelled without prejudice. Accordingly, it is respectfully submitted that this rejection is moot.

With regard to independent Claims 1 and 11, as indicated above, these claims were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Mohebbi* in view of *Hulbert*. However, as indicated above, these claims have been amended to be more clearly distinguished from *Mohebbi* in view of *Hulbert*. More specifically, Claim 1 has been amended to further clarify the step of determining a transmission power offset.

Additionally, it is again respectfully submitted that the Examiner's assertions in regards to *Hulbert* are incorrect. While *Hulbert* does recite an accumulator 70 that controls the power of the output transmitter 52 (column 3, lines 59-62), it is respectfully submitted that this is not an equivalent of a transmission power offset. That is, even though *Hulbert* teaches the accumulation

of TCP commands, this is only the procedure for selecting a BTS to transmit uplink data. This is not a procedure for calculating the “transmission power offset” as recited the present invention.

Furthermore, because the object of *Hulbert* is to select a BTS providing the best uplink transmission quality, it is not required, in *Hulbert*, to obtain the transmission power offset, which as recited in Claims 1 and 11, is for compensating for initial transmission power of the next best cell.

Further, *Hulbert* teaches only the comparison of the numbers of “down commands” from the two BTSs, but not over the specific duration as recited in Claims 1 and 11.

Accordingly, for at least the reasons given above, it is respectfully submitted that independent Claims 1 and 11 are patentably distinct from *Mohebbi* in view of *Hulbert*, and it is respectfully requested that the rejection be withdrawn.

Based on the amendments and arguments presented above, it is respectfully submitted that independent Claims 1 and 11 are in condition for allowance. Without conceding the patentability per se of the pending dependent claims, they are likewise believed to be allowable by virtue of their dependence on independent Claims 1 and 11, respectively. Accordingly, reconsideration and withdrawal of the rejections and objections of the dependent claims are respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1, 2, 4, 5, and 11, are believed to be in condition for allowance. Should the Examiner believe that a telephone

conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", written over the typed name.

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